

**REMARKS/ARGUMENTS**

Claims 1, 4, and 7 have been amended to more accurately define the invention claimed.

Forcelledo et al. (US Patent No. 5,339,839) discloses a comb with a container for applying a liquid to the hair of an individual. The structure of the device is very complicated compared to applicant's invention. Furthermore, the device has many different parts that require assembly whereas applicant's invention only has two parts with a capsule therein. Forcelledo discloses a comb with a longitudinal passage that is open at one end and closed the other end. The longitudinal passage has two portions: a cylindrical portion at the open end and a cylindrical portion which tapers gradually and uniformly from the cylindrical portion at the open end to the sealed end. The comb further includes plurality of elongated teeth extending parallel to one another and perpendicular to the longitudinal passage.

Two different types of container are disclosed by Forcelledo to be used with the comb. The first embodiment of the container is a compressible container with a threaded neck to mate with internal threads in the open end of the comb. The container is squeezed to force the enclosed liquid out of the container and into the longitudinal passage in the comb.

The second embodiment of the container is rather complicated and requires a modified embodiment of the comb to operate with it. The comb is made with an integral handle piece that encloses a flexible capsule containing a liquid to be dispensed. The end of the handle piece near the comb is provided with an aperture plate carrying a spike for puncturing the capsule. A rather complicated actuating assembly is required to be inserted into the handle piece to push the capsule into the spike. The actuating assembly includes a bolt that fits in the passage in the handle piece and can be advanced by rotation of the actuating assembly.

Application No.: 10/736,009

Amendment dated: November 15, 2004

Reply to Office Action of: August 19, 2004

Applicant's invention is very simple and only has few components. Applicant's invention comprises of a small elongated tube with a sealed end and an open end with one or more capsule disposed near the sealed end. An applicator tube with two open ends is simply inserted into the small elongated tube to cause the capsule to rupture and simultaneously extract the content through the applicator tube into an applicator tip at the end of the applicator tube. A protrusion is provided either at the sealed end of the small elongated tube or at the open end of the applicator tube to puncture the capsule in the small elongated tube when the applicator tube is inserted into the small elongated tube.

In Forcelledo, the capsule is enclosed near the open end of the comb applicator whereas applicant's invention encloses the capsule near the sealed end of the container and not the applicator. The applicator tube in applicant's invention does not contain or enclose the capsule. In one embodiment of the container in Forcelledo, the container has a threaded end that mates with internal threads in the open end of the comb applicator. In the other embodiment of the device disclosed in Forcelledo, a bolt in a rather complicated actuating assembly is required to rupture the capsule and push the liquid in the capsule into the comb applicator. Applicator's invention does not require any threaded ends and does not have any separate actuating assembly with a bolt. Furthermore, the comb applicator in Forcelledo has a sealed end and an open end whereas the applicator tube in applicant's invention has two open ends.

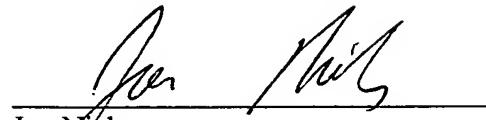
Applicant hereby submits that the claim rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103 have all been overcome. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Application No.: 10/736,009

Amendment dated: November 15, 2004

Reply to Office Action of: August 19, 2004

Respectfully submitted,



Joe Nieh

Registration Number: 46,961

18760 E. Amar Road, #204

Walnut, CA 91789

Tel: (626) 964-4227

Fax: (626) 854-5717

E-Mail: [nieh@justice.com](mailto:nieh@justice.com)

Application No.: 10/736,009

Amendment dated: November 15, 2004

Reply to Office Action of: August 19, 2004

**Certificate of Mailing:** I certify that on the date below this document and referenced attachments, if any, will be deposited with the U.S. Postal Service by 1<sup>st</sup> Class Mail in an envelope addressed to: "Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450."

November 15, 2004



Joe Nieh  
Registration Number: 46,961  
18760 E. Amar Road, #204  
Walnut, CA 91789  
Tel: (626) 964-4227  
Fax: (626) 854-5717  
E-Mail: [nieh@justice.com](mailto:nieh@justice.com)